

HELLERSTEIN & COMPANY

January 13, 2022

VIA ECF

The Honorable Ona T. Wang
United States Magistrate Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

Re: In re Application of Vale S.A. et al., No. 20-mc-199-JGK-OTW

Dear Judge Wang:

I write on behalf of Perfectus in response to Jeffrey A. Rosenthal's letter to Your Honor, ECF No. 120.

Unfortunately, Mr. Rosenthal misrepresents my communication with his colleague, Samuel Levander. By stating I "informed" counsel to Vale that Perfectus did not intend to comply with the Court order, Mr. Rosenthal attempts to give Your Honor the impression that there was a separate communication, aside from the email exchange attached to his letter, in which I informed Vale counsel that Perfectus did not intend to comply with the Court order. That is false.

The email exchange speaks for itself. There was no other communication between us on this matter. As is clear from the email exchange and my letter to Your Honor (ECF No. 118), by no means are we refusing to comply with the Court order. We simply requested guidance from the Court as to who best to testify on behalf of Perfectus in compliance with the Court order. It goes without saying that we will comply with whatever Your Honor decides regarding the proper witness, forum and logistics for the deposition.

Respectfully submitted,

Joseph Z. Hellerstein
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